

אי אתה רשאי להתירן בפניהם.  
אמר לו: ולא מי איתמר עליה, אמר  
רב חסדאי: בכותאי, כותאי מאי  
טעמא – משום דמסרכי מילתא,  
הנך אינשי נמי סרכי מילתא!

אלא אמר רב אשי: חזונו, אי רובן  
אורו אכלי – לא ניכלה זר באפניהו,  
דילמא משתבחה תורת חלה  
מיניהו. ואי רובן דגן אכלי – ניכלה  
זר באפניהו, דילמא אתי לאפרושי  
מן החיוב על הפטור ומן הפטור על  
החיוב.

גופא, דברים המותרין ואחרים  
נהגו בהן איסור – אי אתה רשאי  
להתירן בפניהן. אמר רב חסדאי:  
בכותאי עסקינן. וכולי עלמא לא?  
והתנא: רוחצין שני אחין באחד,  
ואין רוחצין שני אחין בכבול.  
ומעשה ביהודה והלל בניו של רבן  
גמליאל, שרחצו שניהם באחד  
בכבול, ולעזא עליהן כל המדינה,  
אמרו: מימינו לא ראינו כן. ונשמט  
הלל ויצא לבית החיצון, ולא רצה  
לומר להן מותרין אתם.

you are not allowed to permit these actions in their presence, lest they come to treat other prohibitions lightly, saying: If this previously prohibited activity was permitted, other prohibitions are not particularly stringent either. How did Rav Yosef permit the residents of Hozai to eat rice dough? Rav Yosef said to Abaye: **And wasn't it stated about this halakha concerning stringencies that Rav H̄isda said: This was stated specifically with regard to Samaritans?**<sup>B</sup> The Gemara rejects this: **What is the reason that this applies to Samaritans?** It is due to the fact that they will extend this matter of leniency, and add to it additional, unjustified leniencies. **These people of H̄ozai will also extend this matter of leniency, and come to practice additional leniencies in other cases, as they are ignoramuses.**

Rather, Rav Ashi said: We see, if the majority of people in that place eat rice, do not let a non-priest eat *halla* in their presence, lest the halakhic category of *halla* be forgotten from them. **And if most of them eat grain, let a non-priest eat *halla* separated from grain, from which separating *halla* is a requirement, on behalf of rice from which separating *halla* is an exemption, in which case the priest eating the *halla* would be eating bread from which *halla* was not separated; or from that which is an exemption on behalf of that which is a requirement, in which case the person eating the grain bread would be eating bread from which *halla* was not separated.**

After mentioning *halakhot* relating to customs, the Gemara returns to discuss the matter itself. **If matters are permitted<sup>n</sup> but others were accustomed to treat them as a prohibition, you are not allowed to permit these actions in their presence.** Rav H̄isda said: **We are dealing with Samaritans, not with Jews.** The Gemara is surprised at this: **And doesn't this apply to everyone? Wasn't it taught in a *baraita* to the contrary? Two brothers may bathe together,<sup>h</sup> and there is no concern that doing so is immodest or will lead to sinful thoughts. However, the custom was that two brothers do not bathe together in the city of Kabul (see I Kings 9:13).<sup>B</sup> And there was an incident involving Yehuda and Hillel,<sup>p</sup> sons of Rabban Gamliel, who bathed together in Kabul, and the entire city denounced them and said: In all our days we have never seen that type of conduct. Hillel stole away and went out to the outer chamber and did not want to tell them: You are permitted to do so. He preferred to obey the city residents rather than rule it permitted for two brothers to bathe together.**

NOTES

If matters are permitted – דברים המותרים: Several opinions are offered to explain these *halakhot* and the differences between the mishna, the *baraita*, and the incidents involving the sons of Rabban Gamliel and the sons of Rabba bar bar Hana.

Some commentaries distinguish between the cases in the following manner: Where there is a significant custom practiced by the residents of a certain locale, with the guidance of Torah scholars who also follow the custom, then one may not diverge from that custom. Even if someone from that location is elsewhere, he is required to observe the custom. However, if an insignificant custom was accepted by people in a certain place on their own, without consulting

Torah scholars, one need not observe that custom when he is not with the local people (Rosh).

Other authorities explain that in Kabul, the custom for brothers not to bathe together was established by Torah scholars who once resided there and who instituted the practice as a preventive measure. Yehuda and Hillel thought that the custom with regard to brothers bathing was based on an error and did not permit bathing in their presence (Ran). Others suggest that one is required to adopt local stringencies only in cases where failure to observe the custom could involve some element of transgression. However, when the practice is based only on a local decree, visitors are not required to follow it.

BACKGROUND

**Samaritan [Kuti] – כוּתִי:** The Samaritans are the descendants of the nations displaced by Sennacherib, King of Assyria, and brought to settle in Eretz Yisrael. Eventually, they accepted upon themselves several mitzvot (II Kings 17). At the beginning of the Second Temple period, during the times of Ezra and Nehemiah, relations between the Samaritans and the Jews deteriorated. Later, the Samaritans established a center of worship on Mount Gerizim, as they claimed that the sanctity of that mountain was established by one of the Ten Commandments. Some generations of Sages recognized Samaritans as half-Jewish. They went so far as to say: In the mitzvot that the Samaritans adopted, they are extremely exacting in their fulfillment, even more than the Jews are. Ultimately, as the Samaritans continued to distance themselves from the Jewish people in virtually every regard, they were accorded the legal status of gentiles.

Kabul and Birei – כְּבֻל וּבִרֵי:



Cities of Kabul and Birei in the Galilee

HALAKHA

**עם הכל אדם רוחץ –** A person may bathe with anyone – However, he may not bathe with his father, his father-in-law, his stepfather, or his sister's husband. In modern times, common practice is not to be concerned with these restrictions in places where people wear pants in the bathhouse (*Shulhan Arukh, Even HaEzer 23:6*, and in the comment of the Rema).

PERSONALITIES

**יהודה והלל – יהודה והלל:** Yehuda and Hillel were the sons of Rabban Gamliel, who was the son of Rabbi Yehuda HaNasi. Yehuda, the older son, became *Nasi* of the Sanhedrin after his father's death and is generally called Rabbi Yehuda Nesi, to distinguish him from his grandfather, Rabbi Yehuda HaNasi. Rabbi Yehuda Nesi was one of the first *amora'im* and is considered one of the most significant *amora'im* in Eretz Yisrael. As the head of the court, he instituted several important ordinances that were adopted by the entire Jewish people.

BACKGROUND

Wide shoes – קוֹרְדֵיקִסוֹן:



Wide shoes, similar to those from the talmudic period mentioned in the Gemara

NOTES

Gave them to their servants – נִתְּנָם לְעִבְדֵיהֶן – Although a Jew is commanded explicitly to prevent his servant from performing prohibited labor on Shabbat, Yehuda and Hillel were permitted to command their servants to carry the shoes, since wearing them is not actually prohibited (Yefe Einayim).

Gentiles' stools – סִפְסָלֵי גוֹיִם – The residents were not seeking to adopt a stringent custom; they mistakenly thought that it was prohibited to sit on the stools because the stools were associated with business transactions (Maharam Halawa).

People in the cities [benei medinat hayyam] – בְּנֵי מְדִינַת הַיָּם – The standard meaning of this phrase is residents of countries overseas. As the cities mentioned in the various incidents involving the sons of Rabban Gamliel are all cities in Israel, that is not the meaning here. There are several manuscripts with the variant reading: Benei medina meaning in this context residents of the cities.

Brothers bathing together – רְחִיצַת אָחִים יַחַד – Some commentaries teach that when two brothers bathe together, they ponder their origins (Nimmukei Yosef). Other commentaries suggest that since brothers are close, seeing each other naked might lead them to engage in sodomy (Rabbeinu Yehonatan).

Rabba bar bar Hana – רַבָּה בַּר בַּר חֲנָנָה – Many commentaries explain why Rabba bar bar Hana allowed himself to eat this fat. Some of them posit that since the reason to follow local custom is to avoid conflict, and eating the fat was subject to a tannaitic dispute, he would not generate conflict by eating it. Consequently, the other Sages were told that he treated them like Samaritans who were unfamiliar with the mishna that mentions the tannaitic dispute on this matter (Maharam Halawa).

וּצְאִים בְּקוֹרְדֵיקִסוֹן בַּשַּׁבָּת, וְאִין וּצְאִין בְּקוֹרְדֵיקִסוֹן בַּשַּׁבָּת בְּבִירֵי. וּמַעֲשֶׂה בִּיהוּדָה וְהִלֵּל שֶׁל רַבִּן גַּמְלִיאֵל שֶׁצָּאוּ בְּקוֹרְדֵיקִסוֹן בַּשַּׁבָּת בְּבִירֵי, וְלָעוּזָה עֲלֵיהֶן הַמְדִינָה. וְאָמְרוּ: מִמֵּינוּ לֹא רָאִינוּ כָךְ, וּשְׂמֻטוֹם וּנְתָנָם לְעִבְדֵיהֶן, וְלֹא רָצוּ לומר לָהֶן מוֹתְרִין אֹתָם.

וְיוֹשְׁבֵין עַל סִפְסָלֵי גוֹיִם בַּשַּׁבָּת, וְאִין וְיוֹשְׁבֵין עַל סִפְסָלֵי גוֹיִם בַּשַּׁבָּת בְּעַבּוֹ. וּמַעֲשֶׂה בְּרַבִּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל שֶׁיָּשָׁב עַל סִפְסָלֵי גוֹיִם בַּשַּׁבָּת בְּעַבּוֹ, וְלָעוּזָה עֲלָיו כָּל הַמְדִינָה, אָמְרוּ: מִמֵּינוּ לֹא רָאִינוּ כָךְ, נִשְׂמַט עַל גַּבֵּי קַרְקַע, וְלֹא רָצָה לומר לָהֶן מוֹתְרִין אֹתָם. בְּנֵי מְדִינַת הַיָּם נִמְי, בֵּין דְּלֹא שְׂכִיחֵי רַבָּנָן גְּבִייהוּ – כְּבוֹתִים דְּמוּ.

בְּשִׁלְמָא סִפְסָלֵי גוֹיִם – מִשּׁוּם דְּמַחְזִי כְּמַקָּח וּמִמְכָר. בְּקוֹרְדֵיקִסוֹן נִמְי – דִּילְמָא מִשְׁתַּלְּמִין וְאִתֵּי וַיִּינְהוּ אֲרִבַּע אַמּוֹת בְּרִשּׁוֹת הָרַבִּים.

אֶלָּא רּוֹחֲצִין מֵאֵי טַעֲמָא לֹא? כְּדַתְנָא: עִם הַבַּל אֲדָם רּוֹחֵץ, חוּץ מֵאָבִיו וְחָמּוֹ, וּבַעַל אִמּוֹ, וּבַעַל אַחֻתּוֹ, וְרַבִּי יְהוּדָה מֵתִיר בְּאָבִיו מִפְּנֵי כְבוֹד אָבִיו. וְהוּא הִדִּין לְבַעַל אִמּוֹ.

וְאֵתוּ אִינְהוּ וְגוֹזֵר בְּשֵׁנֵי אַחִין מִשּׁוּם בְּעַל אַחֻתּוֹ. תְּנָא: תְּלַמִּיד לֹא יִרְחֵץ עִם רַבּוֹ, וְאִם רַבּוֹ צָרִיךְ לוֹ – מוֹתֵר.

כִּי אֶתָּא רַבָּה בַּר בַּר חֲנָנָה אֶכְלֵ דְאִיִּתְרָא. עוּל לְגַבִּיהַ רַב עוּרָא סָבָא וְרַבָּה בְּרִיהַ דְּרַב הוּנָא. כִּינֵן דְּחֻזִּינְהוּ – כְּסִינְהָ מִינְיָהּ. אֵתוּ וְאָמְרוּ לֵיהּ לְאָבִי. אָמַר לָהּ: שְׁוִינְכוּ כְבוֹתָאֵי.

Similarly, one may go out with wide shoes<sup>8</sup> that resemble slippers on Shabbat; however, one does not go out with wide shoes in the city of Birei. And there was an incident involving Yehuda and Hillel, sons of Rabban Gamliel, who went out with wide shoes in Birei, and the people of the city denounced them and said: In all our days we have never seen that type of conduct. And Yehuda and Hillel removed their shoes, and gave them to their gentile servants,<sup>9</sup> and did not want to tell the residents of the city: You are permitted to go out with wide shoes on Shabbat.

Similarly, one may sit on gentiles' stools<sup>10</sup> on Shabbat, even though these stools are typically used for displaying merchandise. And there was an incident involving Rabban Shimon ben Gamliel who sat on gentiles' stools in the city of Akko, and the entire city denounced him. They said: In all our days we have never seen that type of conduct. Rabban Shimon ben Gamliel moved onto the ground and did not want to tell them: You are permitted to sit on the stools. The Gemara answers: The legal status of people in the cities,<sup>11</sup> since Sages are not found among them, is like that of the Samaritans. Therefore, it is prohibited to tell them that these activities are permitted.

The Gemara proceeds to clarify the reasons for the stringent customs in those communities. Granted, sitting on gentiles' stools is prohibited because it appears like one is engaged in buying and selling on Shabbat. In the case of wide shoes as well, the Sages prohibited wearing them due to the concern lest they fall off one's feet and he come to carry them in his hand four cubits in the public domain, thereby violating a Torah prohibition.

However, what is the reason that two brothers may not bathe together?<sup>12</sup> The Gemara answers: The custom to prohibit doing so is based on that which was taught in a baraita: A person may bathe with anyone except for his father, and his father-in-law, and his mother's husband, and his sister's husband. Due to the nature of their relation, one might come to ponder how they came to be related and have prohibited thoughts about intimacy between men and women. And Rabbi Yehuda permits one to bathe with his father, due to the honor that he can accord his father by assisting his father while bathing. The same is true for one's mother's husband.

And the people of Kabul came and issued a decree to prohibit bathing together for two brothers, due to their concern that it is similar to bathing with one's sister's husband. It was taught in the Tosefta: A student may not bathe with his teacher,<sup>13</sup> since it is disrespectful to see one's teacher naked. But if his teacher requires his help when bathing, it is permitted.

The Gemara relates: When Rabba bar bar Hana<sup>14</sup> came from Eretz Yisrael to Babylonia, he ate the fat found over the straight part of an animal's stomach. The fat along the stomach consists of two parts: The inner, straight portion, which is shaped like a bowstring, and the outer, rounded portion, which is shaped like a bow. With regard to the fat surrounding the inner, straight portion, the custom in Eretz Yisrael was lenient, whereas in Babylonia it was stringent. Rav Avira the Elder and Rabba, son of Rav Huna, entered to see Rabba bar bar Hana. When he saw them coming, he concealed from them what he was eating. They came and told Abaye what had happened, and he said to them: Through his conduct, he rendered you Samaritans, as he could have told you that it is permitted but did not do so.

HALAKHA

תְּלַמִּיד לֹא יִרְחֵץ – A student may not bathe with his teacher, unless the latter requires his assistance. In places where people wear

pants in the bathhouse, it is common practice to permit a student to bathe with his teacher (Aguda; Shulhan Arukh, Yoreh De'a 242:16 and in the comment of the Rema).

His intent was to return – דעתו לחזור – One who travels to a destination but intends to return home should follow his own local custom, whether it is a stringency or a leniency. However, one should not do so publicly, to avoid dispute. Consequently, it is prohibited to perform labor on Passover eve in a place where the custom is to refrain from doing so. This *halakha* is in accordance with the practice of Rabba bar bar Hana and Rav Ashi's concluding statement (*Shulhan Arukh, Oraḥ Hayyim* 468:4).

NOTES

In my presence...not in my presence – בפני ושלא בפני: The *Me'iri* explains that the expression: In my presence, indicates during my lifetime. The phrase: Not in my presence, means after my death.

PERSONALITIES

Rabbi Shimon ben Rabbi Yosei ben Lakonya – רבי שמעון בן רבי יוסי בן לקוניא: Rabbi Shimon ben Rabbi Yosei ben Lakonya was a member of the court of Rabbi Yehuda Ha-Nasi in the last generation of *tanna'im*, and taught the first generation of *amora'im*. A student of Rabbi Shimon bar Yoḥai, he transmitted several of Rabbi Shimon ben Yoḥai's halakhic and aggadic discourses and exchanged ideas with him on matters of *halakha* and *aggada*. According to some sources he was the father-in-law of Rabbi Elazar, son of Rabbi Shimon, and he raised the son of Rabbi Elazar after the latter's death. He was a priest and lived in Tiberias.

ורבה בר בר חנה לית ליה הא דתנן: נותניו עליו חומרי המקום שיצא משם וחומרי המקום שהלך לשם? אמר אביי: הני מילי – מבבל לבבל, ומארץ ישראל לארץ ישראל. אי נמי – מבבל לארץ ישראל. אבל מארץ ישראל לבבל – לא. כיון דאנן כייפינן להו – עבדינן בוותייהו.

The Gemara asks: **And is Rabba bar bar Hana, who was lenient with regard to a matter that is prohibited, not in agreement with that which we learned in the mishna: When one travels from one place to another, the Sages impose upon him the stringencies of the place from which he left and the stringencies of the place to which he went? Abaye said: That applies when one travels from one place in Babylonia to another place in Babylonia, or from one place in Eretz Yisrael to another place in Eretz Yisrael, or alternatively, from Babylonia to Eretz Yisrael. However, when traveling from Eretz Yisrael to Babylonia, no, this principle does not apply. Since we, the residents of Babylonia, are subordinate to them in terms of *halakha*, we act in accordance with their custom, but a resident of Eretz Yisrael is not required to follow the Babylonian custom.**

רב אשי אמר: אפילו תימא מארץ ישראל לבבל. הני מילי – היכא דאין דעתו לחזור, ורבה בר בר חנה דעתו לחזור הוה. אמר רבה ליה רבה בר בר חנה לבניה: בני, לא תאכל לא בפני ולא שלא בפני. אני שראיתי את רבי יוחנן שאכל – כדי הוא רבי יוחנן לסמוך עליו בפניו ושלא בפניו. אתה לא ראית אותו – לא תאכל, בין בפני בין שלא בפני.

Rav Ashi said: **Even if you say that when one travels from Eretz Yisrael to Babylonia, he is required to act stringently in accordance with the local custom, this applies only when his intent is not to return.** One is required to adopt the local customs when permanently settling in a new location. However, as **Rabba bar bar Hana's intent was to return<sup>h</sup>** to Eretz Yisrael, his point of origin, he continued to follow the custom of Eretz Yisrael. The Gemara relates that **Rabba bar bar Hana said to his son: My son, you live in Babylonia. Therefore, do not eat this fat, neither when you are in my presence nor when you are not in my presence.<sup>n</sup> I, who saw Rabbi Yoḥanan eat this fat, can say that Rabbi Yoḥanan is worthy for one to rely upon him both in his presence and not in his presence. You did not see him. Therefore, do not eat it, neither when you are in my presence nor when you are not in my presence, since you may not rely upon my opinion alone in this matter.**

ופליגא דידיה אדידיה. דאמר רבה בר בר חנה: סח לי רבי יוחנן בן אלעזר: פעם אחת נכנסתי אחר רבי שמעון בן רבי יוסי בן לקוניא לגינה,

The Gemara comments: **And this statement of his disagrees with another statement of his, as Rabba bar bar Hana said: Rabbi Yoḥanan ben Elazar told me: Once I followed Rabbi Shimon ben Rabbi Yosei ben Lakonya<sup>p</sup> into the garden next to his house,**

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ונטל ספיתחי כרוב, ואכל ונתן לי. ואמר לי: בני, בפני – אכול, שלא בפני – לא תאכל. אני שראיתי את רבי שמעון בן יוחי שאכל – כדי הוא רבי שמעון בן יוחי לסמוך עליו, בפניו ושלא בפניו. אתה, בפני – אכול, שלא בפני – לא תאכל.

**and he took cabbage<sup>b</sup> after-growths that had grown during the Sabbatical Year, and ate from them and gave some to me. And he said to me: My son, in my presence, you may eat this. But when you are not in my presence, you may not eat cabbage that grew as an after-growth. I, who saw Rabbi Shimon ben Yoḥai eat, can say that Rabbi Shimon ben Yoḥai is worthy for one to rely upon him both in his presence and not in his presence. You, who did not see him eat, in my presence, rely on what I saw and eat; however not in my presence, do not rely on my testimony and do not eat.** In this case, Rabba bar bar Hana maintained that one who saw a Sage act in a certain way may rely on what he saw, as may his students when they are in the presence of their teacher.

BACKGROUND

**Cabbage – כרוב:** Cabbage is a leafy green vegetable that is a popular cultivar of the species *Brassica oleracea* L. (Capitata Group) of the Brassicaceae (or Cruciferae) family. It is an herbaceous, biennial, dicotyledonous flowering plant, distinguished by a short stem upon which there is crowded a mass of leaves,

usually green but in some varieties red or purplish. While immature, it forms a characteristic compact, globular cluster known as a head of cabbage. Cabbage contains vitamin C as well as significant amounts of glutamine, an amino acid that has anti-inflammatory properties.



**All after-growths are prohibited – כָּל הַסְּפִיחִים אֲסוּרִין** – There are many different opinions with regard to the rationale and the source for this prohibition. Rabbi Akiva and the Rabbis dispute the origin of the prohibition: Rabbi Akiva teaches that it is by Torah law, while the Rabbis assert it is a rabbinic decree. In addition, the commentaries disagree with regard to the nature of the prohibition. According to Rashi, the prohibition applies only after the time has passed to eliminate Sabbatical Year produce from one's house. Rabbeinu Tam asserts that the prohibition against eating produce from after-growths is an independent prohibition that is unrelated to the requirement to eliminate Sabbatical Year produce from the house. Therefore, produce from after-growths is permitted only in areas where food is not typically grown or in plants that are not typically planted (*Me'iri*). Some authorities state that the reason for this decree is so that people would not surreptitiously plant crops in their field during the Sabbatical Year and claim that they were merely eating produce from after-growths. Other commentaries explain that the decree was issued prohibiting anything that grows during the Sabbatical Year, whether it was sown or only gathered (*Tosefot Rid*).

**Except for the after-growths of cabbage – חוץ מִסְּפִיחֵי כְּרוֹב** – Some commentaries explain that the legal status of the after-growths of cabbage is like that of fruit that grows on a tree and not like that of after-growths of vegetables, since cabbage after-growths are unlike other after-growths. Other commentaries teach that, unlike the case with other vegetation, the difference between cabbage that was cultivated or grew as an after-growth is obvious, and therefore no decree was necessary (*Me'iri*).

**Abaye said it is referring to the first clause – אָמַר אַבְי אַרִישָׁא** – There is no need to explain the latter clause of the mishna, i.e., that one should be stringent and follow the local custom of his hometown, as it is based on the verse: "Listen my son to the rebuke of your father" (Proverbs 1:8; see Rabbi Zerahya HaLevi).

**How many idle people there are in the market – כַּמָּה בְּטָלִי** – Some commentaries take issue with this explanation, which also appears elsewhere. They state that in general, refraining from labor is a deviation from the local custom. However, in this case, it is clear that the person in question is a visitor and people will assume that he does not have any work. Consequently, his failure to work will not be taken as a deviation from the local custom (*Rashash*).

**We who know the determination of the month – אֲנִי דְּיָדַעְתִּי** – Several commentaries explain that Rav Safra meant that he knew the principles that govern intercalation of the month and year. Therefore, he knew when the Festivals would occur (*Tosefot Rid*). Other commentaries agree with *Tosefot* and maintain he lived in a place that was reached by the messengers from Jerusalem who informed them when the New Moon was sanctified in Eretz Yisrael. Since he always knew when the Festivals began, his legal status was equivalent to that of a resident of Eretz Yisrael. He later moved to a place where only occasionally the messengers arrived before the beginning of the Festival.

#### HALAKHA

**All after-growths are prohibited – כָּל הַסְּפִיחִים אֲסוּרִין** – Any crops that grow on their own during the Sabbatical Year are prohibited by rabbinic law. This decree was issued to prevent people from planting produce and then claiming they were eating after-growths that grew spontaneously. The *halakha* is in accordance with the opinion of the Rabbis (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 4:2).

**It does not constitute a deviation that causes dispute – אֵין בְּיָדְךָ שִׁנּוּי הַמַּחְלֻקָּת** – A traveler must adopt the stringent customs of both his destination and his city of origin with regard to performing labor on Passover eve. One who acts stringently in a place where the local custom is to perform labor will not be noticed, as people will attribute his inactivity to lack of work. This ruling is in accordance with Rava's explanation (*Shulhan Arukh, Orach Hayyim* 468:4).

**מאי רבי שמעון? דתניא, רבי שמעון אומר: כל הספיחים אסורין, חוץ מספיחי כרוב, שאין ביוצא בהן בירק השדה. ותכמים אומרים: כל הספיחים אסורים.**

**וְתַרְוִייהוּ אֵלַיבָּא דְרַבִּי עֲקִיבָא, דְּתַנִּינָא: "הֵן לֹא נִזְרַע וְלֹא נֶאֱסָף אֶת תְּבוּאָתָנוּ" אָמַר רַבִּי עֲקִיבָא: וְכִי מֵאֲחַר שָׂאִין זֹרְעִין – מֵהֵיכָא אֲוֹסְפִין? מִכָּאן לְסְפִיחֵין שֶׁהֵן אֲסוּרִין**

**בְּמַאי קָא מִיפְלִגִי? רַבֵּנן סְבָרִי: גִּזְרִין סְפִיחֵי כְּרוֹב אֲטוּ שְׂאֵר סְפִיחֵי דְעֵלְמָא. וְרַבִּי שְׁמַעוֹן סְבָר: לֹא גִזְרִין סְפִיחֵי כְּרוֹב אֲטוּ סְפִיחֵי דְעֵלְמָא.**

**"ההולך ממקום וכו'". בשלמא ההולך ממקום שעושים למקום שאין עושים – נותנין עליו חומרי מקום שהלך לשם, ואל ישנה אדם מפני המחלוקת ולא ליעבדי.**

**אָלָא: מִמַּקוֹם שָׂאִין עוֹשִׂין לְמַקוֹם שְׁעוֹשִׂין – אֵל שִׁנְיָה אָדָם מִפְּנֵי הַמַּחְלֻקָּת, וְנִעְבְּדִי? הָא אֲמַרְתָּ: נֹתְנִין עֲלָיו חוּמְרֵי מַקוֹם שֶׁהִלֵּךְ לְשֵׁם וְחוּמְרֵי מַקוֹם שֶׁצָּעָא מִשָּׁם!**

**אָמַר אַבְי: אַרִישָׁא. רַבָּא אָמַר: לְעוֹלָם אֲסִיפָא, וְהֵכִי קָאָמַר: אֵין בְּזוּ מִפְּנֵי שִׁנּוּי הַמַּחְלֻקָּת. מַאי קָא אָמַרְתָּ: הֲרוּאָה אוֹמַר מְלָאכָה אֲסוּרָה – מִימַר אָמְרִי: כַּמָּה בְּטָלִי הוּי בְּשׂוּקָא.**

**אָמַר לִיהוּ רַב סְפָרָא לְרַבִּי אַבָּא: בְּגוֹן אֲנִי דְיָדַעְתִּי בְּקִבְיָא דִּירְחָא**

The Gemara asks: **What is that statement of Rabbi Shimon? As it was taught in a *baraita* that Rabbi Shimon says: All after-growths that grow on their own during the Sabbatical Year are prohibited<sup>NH</sup> and may not be eaten, except for the after-growths of cabbage,<sup>N</sup> as there is nothing similar to them among the vegetables in the field.** The Sages did not extend the decree prohibiting after-growths to cabbage, because it is unlike other vegetables. Rather, it is like fruit of a tree, which may be eaten if it grows wild during the Sabbatical Year. **And the Rabbis say: All after-growths are prohibited, including the after-growths of cabbage.**

**The Gemara comments: And both Rabbi Shimon and the Rabbis, who disagree in this case, hold in accordance with the opinion of Rabbi Akiva. As it was taught in a *baraita*:** The verse states, "And if you shall say: What shall we eat in the seventh year? Behold, we may not sow, nor gather our crops" (Leviticus 25:20). **Rabbi Akiva said: And since they cannot sow, from where would they gather? Why does the verse mention gathering? It is derived from here that gathering after-growths that were not planted but grew on their own is prohibited.**

The Gemara asks: **With regard to what principle then, do they disagree?** The Gemara answers: **The Rabbis, who prohibit all after-growths, hold: We issue a decree prohibiting cabbage after-growths due to other after-growths in general. And Rabbi Shimon holds: We do not issue a decree prohibiting cabbage after-growths due to other after-growths in general.**

We learned in the mishna with regard to refraining from performance of labor on Passover eve: With regard to **one who travels from a place where people perform labor on Passover eve to a place where people do not, or from a place where people do not perform labor on Passover eve to a place where people do, the Sages impose upon him the stringencies of the place from which he left and the stringencies of the place to which he went.** The Gemara asks: **Granted, in the case of one who travels from a place where people perform labor to a place where they do not perform labor, the Sages impose upon him the stringencies of the place to which he went, and a person should not deviate from the standard practice in that place due to potential dispute, and he should not perform labor.**

**However, if one traveled from a place where people do not perform labor to a place where they do perform labor, is the ruling there too, that a person should not deviate from the standard practice in that place due to conflict, and perform labor? That cannot be. Didn't you say: The Sages impose upon him the stringencies of the place to which he went and the stringencies of the place from which he left? He should not perform any labor.**

**Abaye said:** The principle that one should not deviate due to potential dispute is referring to the **first clause**,<sup>N</sup> that one who arrives at a place where people do not perform labor adopts the local stringency. **Rava said:** **Actually, it is possible to say this *halakha* is also referring to the latter clause of the mishna, and this is what it is saying:** Refraining from labor does not constitute a deviation that causes dispute.<sup>H</sup> **What are you saying; one who sees him will say that he is not working because he believes that performing labor is prohibited, contrary to local practice? That is unlikely, as when people see him inactive that will not be their assumption. Instead, they will say: How many idle people there are in the market<sup>N</sup> every day who do not work. In this case, people will assume that this individual was unable to find work that day.**

After discussing stringencies resulting from customs, the Gemara elaborates on the second day of a Festival observed in the Diaspora. **Rav Safra said to Rabbi Abba:** Communities in a situation like us, who, based on calculations, already know the determination of the month<sup>N</sup> and are no longer concerned lest the Festival be observed on the wrong day, clearly, on the second day of a Festival,